

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20580

In the Matter of)	
)	
Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)	
)	
Further Notice of Proposed Rulemaking)	

To the Commission:

Comments of the Yellow Pages Integrated Media Association

The Yellow Pages Integrated Media Association (“Yellow Pages I.M.A.”), formerly the Yellow Pages Publishers Association, is a global trade association based in Berkeley Heights, New Jersey, representing the Yellow Pages industry, both print and electronic. Yellow Pages I.M.A. members include publishers (of both Yellow and White Pages) and other businesses associated with the Yellow Pages industry. Many Yellow Pages I.M.A. members operate on-line directory services, such as Superpages.com and Switchboard.com.

In this Further Notice of Proposed Rulemaking (FNPRM), the Commission asks how its rules should be rationalized with those adopted by the Federal Trade Commission (FTC). As Yellow Pages I.M.A. has stated in its previous filings in this proceeding, it is imperative that the Commission not apply the do-not-call and telemarketing sales rules to business-to-business calls. The FTC has adopted this approach and the Yellow Pages I.M.A. urges the Commission to follow suit.

One area where this may cause confusion is where a subscriber uses a home telephone line for a business. In these limited circumstances, the subscriber should be treated as a business. Yellow Pages sales representatives call small businesses to sell advertising in the Yellow Pages

and in on-line directories. More than 3.6 million small businesses advertise in the Yellow Pages directories throughout the country. Some of these small businesses are operated out of people's homes. While some of these home businesses obtain a business telephone line, some do not. Directory publishers should not be liable for violations of the Telephone Consumer Protection Act or the FTC Telemarketing Sales Rules for calls made to residential telephone lines that are being used to operate a business. Business-to-business calls are generally exempt from the FTC rules, and the Yellow Pages I.M.A. urges the Commission's to exempt all business-to-business calls from its rules, as well.

Respectfully submitted,

Yellow Pages Integrated Media Association

/s/ Joel Bernstein

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